

Applicant : Claire Hartmann-Thompson
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REMARKS

Claims 12-16 and 19-20 have been amended. Upon entry of the above amendments, claims 1-20 remain pending and under consideration.

Election/Restrictions

In response to the restriction requirement under 35 U.S.C. §121, Applicant elects for further prosecution on the merits the invention of Group I, claims 1-10, drawn to a polymer matrix, classified in class 428, subclass 447. This election is made with traverse.

The restriction requirement is based on the inventions of Group I and Group II being related as a combination and subcombination. As stated in the Office Action, inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations. According to the Examiner, the subcombination has separate utility as an analyte detection (SAW) device. Applicant will not contest this allegation. However, it is respectfully submitted that the combination (the chemical sensor of claim 11) does require the particulars of the subcombination (the composite material of claim 1). In this regard, it is noted that chemical sensors having a transducer element and a layer of material disposed on the transducer element are known. What distinguishes the chemical sensor of claim 11 from known chemical sensors is that the layer of material disposed on the transducer element is a "composite material including a polymer matrix and a solid particulate filler dispersed in the polymer matrix." This is substantially the same composite material defined in claim 1, but for the requirement that the particulate filler has functional groups capable of interacting with an analyte.

At minimum, claims 12-20 should also be examined with elected claims 1-10, since claims 12-20 have now been amended to require all of the limitations of elected independent claim 1.

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CONCLUSION

In view of the above amendments and remarks, Applicant respectfully requests examination of pending claims 1-20.

Respectfully submitted,

June 28, 2007

Date

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